

CONTROLLER GENERAL OF THE UNITED STATES
Washington 25

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B-106116

November 8, 1951

The Honorable
The Secretary of Agriculture

My dear Mr. Secretary:

Reference is made to your letter of October 16, 1951, requesting decision upon the question stated in your letter, as follows:

"1. (a) May the Department pay the travel and subsistence expenses of individuals who are reached on Civil Service registers in order to interview them at the appropriate headquarters office; (b) may such expenses be paid when there is no Civil Service register; and (c) may such expenses be paid in those cases where individuals have Civil Service status and are eligible for a Civil Service appointment without examination?

"2. May the Department pay the travel and subsistence expenses of individuals to the appropriate headquarters office for the purpose of interviewing them in employment in the Department?"

This Office is fully aware of the difficulties attendant upon the procurement of qualified personnel for scientific and administrative positions not only in your department but in many other Government departments and agencies. However, it has been a general rule that Government agencies may not pay or reimburse an individual for the expenses incurred in traveling to Washington, D. C. or to any other point for determination of the qualifications to hold a Government position if the position is to be filled subject to the Civil Service laws and regulations as the function of ascertaining the qualifications of prospective employees is a matter within the jurisdiction of the Civil Service Commission. However, where prospective employees are to be appointed to positions excepted from the Civil Service laws and regulations and the Classification Act, it has been held that the prospective employee could be transported to the place of employment for interviews before hiring. 3 Comp. Gen. 590; 15 id. 206. I do not find that the question of providing transportation to an individual for the purpose of persuading him to accept a Government position has heretofore been made the subject of a decision by this Office.

In view of the foregoing, and having regard for the fact that the character of an expenditure such as that covered by your second question is extraordinary and unusual, and since it is understood that efforts by your department to obtain legislation to authorize the class of expenditures covered by your first question by means of an amendment to the

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Organic Act of 1944, approved September 21, 1944, 58 Stat. 734, has not, up to the present time, been favorably considered, I feel restrained--without legislation providing either in general or specific terms authority for incurring the classes of expenditures here involved--to answer both questions in the negative.

Sincerely yours,

(Signed) LINDSAY C. WARREN

Comptroller General
of the United States